

Article - Estates and Trusts

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§14.5–109.

(a) (1) Notice to a person under this title or the sending of a document to a person under this title shall be accomplished in a manner reasonably suitable under the circumstances and likely to result in receipt of the notice or document.

(2) Permissible methods of notice to a person or for sending a document to a person under this title include first-class mail, personal delivery, or delivery to the person's delivery address.

(3) (i) This paragraph applies to:

1. The proposed termination of a trust;
2. The proposed modification of the administrative or dispositive terms of a trust;
3. The proposed combination of two or more trusts into a single trust;
4. The proposed division of a trust into two or more separate trusts;
5. The proposed resignation of a trustee or cotrustee;
6. The proposed transfer of the principal place of administration of a trust; or
7. The notice required to be given to a qualified beneficiary under § 14.5–813 of this title.

(ii) Notwithstanding paragraphs (1) and (2) of this subsection, a trustee shall provide notice to a person under this title:

1. By personal service;
2. By certified mail or first-class mail, postage prepaid, return receipt requested;

3. By courier delivery service, delivery service prepaid, delivery confirmation requested; or

4. If a person entitled to receive notice under this title agrees, in writing, to accept an alternative method of notice:

A. By first-class mail, postage prepaid;

B. By facsimile transmission from a facsimile device that produces a confirmation page that specifies the date and time of a successful facsimile transmission; or

C. By e-mail, acknowledgment requested.

(iii) 1. A person may revoke the trustee's authorization to provide notice by an alternative method under subparagraph (ii)4 of this paragraph by providing notice to the trustee in a method specified under subparagraph (ii)1 through 3 of this paragraph.

2. A trustee authorized to provide notice by an alternative method under subparagraph (ii)4 of this paragraph may continue to provide notice by an alternative method until the person entitled to receive notice revokes authorization.

(iv) If a trustee who provides notice by an alternative method under subparagraph (ii)4 of this paragraph knows or should know that the person did not receive notice, the trustee shall provide notice to the person by a method specified under subparagraph (ii)1 through 3 of this paragraph.

(b) Except as expressly provided in this title, notice required under this title or a document required to be sent under this title need not be provided:

(1) To a person whose identity, location, or delivery address is unknown to and not reasonably ascertainable by the trustee; or

(2) By a person to himself or herself.

(c) Notice under this title or the sending of a document under this title may be waived in writing by the person to be notified or sent the document.

(d) Notice of a judicial proceeding under this title shall be given as provided in the applicable rules of civil procedure.

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